

IN RE: PETITION FOR SPECIAL HEARING
NE/S Jennifer Road, 916' NW
of Mays Chapel Road
(Chapelgate, Secs. 4, 5 & 6)
8th Election District
3rd Councilmanic District
Pulte Home Corporation
Petitioner

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-35-SPH

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an amendment to the First Amended Final Development Plan for Chapelgate, Sections 4, 5 and 6 to permit the deletion of garage units and the replacement of same with parking bays, as more particularly described on Petitioner's Exhibits 1A, 1B, 1C and 1D, 3 and 5.

The Petitioner, by Russell Crandall, Land Development Manager, appeared, testified and was represented by Newton A. Williams, Esquire. Also appearing on behalf of the Petitioner was Robert Bradley, Senior Vice President of Morris and Ritchie Associates, Inc., Developers. Appearing as Protestants in the matter were Brian F. Walsh, B. Marvin Thomas, and A. Porter Barrows, all residents of the surrounding area.

Testimony indicated that the subject property, known as Chapelgate, Sections 4, 5 and 6, consists of 38.811 acres more or less, split zoned D.R. 3.5, D.R. 5.5 and D.R. 10.5, and is proposed for development with single family and townhouse dwelling units in accordance with Petitioner's Exhibits 1A, 1B, 1C and 1D. Petitioners purchased the subject property in June 1991 from NV Homes who were facing financial difficulties. Testimony indicated NV Homes had already developed a portion of the site prior to Petitioner's purchase of same. Petitioner is desirous of developing the remainder of the site with townhouse dwelling units and substituting

ing garages with parking bays in accordance with Petitioner's Exhibit 3. Testimony indicated the proposed dwellings are the same size as those previously proposed for the site, that the roads and open space throughout the development will remain the same, and that the only modification is that the garage units are being deleted and replaced with parking bays. Petitioner testified the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community and that market demands for homes in this development have necessitated the proposed modification.

Brian Walsh, a resident of Section 1 of Chapelgate, testified in general opposition to the relief requested. Mr. Walsh indicated he was concerned the relief requested, if granted, would adversely affect property values in the community.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted. In the opinion of this Deputy Zoning Commissioner, any change in the value of homes in the vicinity of the subject property will be caused by a downturn in the economy and not necessarily by the proposed modification. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 11 day of October, 1991 that the Petition for Special Hearing to approve an amendment to the First Amended Final Develop-

- 2 -

ment Plan for Chapelgate, Sections 4, 5 and 6 to permit the deletion of garage units and the replacement of same with parking bays, in accordance with Petitioner's Exhibits 1A, 1B, 1C, 1D, 3 and 5, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permits and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjjs

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

October 1, 1991

Newton A. Williams, Esquire
Nolan, Plumhoff & Williams
210 W. Pennsylvania Avenue, Suite 700
Towson, Maryland 21204

RE: PETITION FOR SPECIAL HEARING
NE/S Jennifer Road, 916' NW of Mays Chapel Road
(Chapelgate, Sections 4, 5 and 6)
8th Election District - 3rd Councilmanic District
Pulte Home Corporation - Petitioner
Case No. 92-35-SPH

Dear Mr. Williams:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjjs

cc: Mr. Brian F. Walsh
25 Tenby Court, Timonium, Md. 21093

Mr. B. Marvin Thomas
11823 Shelbourne Drive, Timonium, Md. 21093

Mr. A. Porter Barrows
4 Tenby Court, Timonium, Md. 21093

People's Counsel

File

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve amendments of the approved Development Plans, namely, the First Amended Final Development Plans for Chapelgate for Sections Four, Five and Six, as shown on the attached Plans, incorporated as a part hereof. (Deletion of garage units, replacement by parking bays).

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:
NEWTON A. WILLIAMS, Esquire
NOLAN, PLUMHOFF & WILLIAMS, CHTD.
(Type or Print Name)

Signature

700 Court Towers, 210 W. Pennsylvania
Avenue
Towson, Maryland 21204

City and State

Attorney's Telephone No.: 821-1800

Legal Owner(s):

Pulte Home Corporation

(Type or Print Name)

Signature

Jeb Bittner

(Type or Print Name)

Signature

Address

11120 New Hampshire Avenue, 1-301-681-5800
Address Phone No.

Silver Spring, Maryland 20904

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Michael Ertel

Morris and Ritchie

Name 821-1690

821-1748

6060 Bosley Avenue

Address Phone No.

Towson, Maryland 21204

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

Zoning Commissioner of Baltimore County

ZCO - No. 1

(over)

ORDER RECEIVED FOR FILING

Date

By

MORRIS & RITCHIE ASSOCIATES, INC.

ENGINEERS, PLANNERS, SURVEYORS,
AND LANDSCAPE ARCHITECTS

July 3, 1991

38.811 acre parcel of land being Sections 4, 5, and 6 of Chapelgate located on Jennifer Road and Mays Chapel Road, 8th Election District, Baltimore County, Maryland.

BEGINNING for the same at a point on the northeasterly right of way line of Jennifer

Road as shown on Plat One, Section Six, Chapelgate as recorded among the Land

Records of Baltimore County in Plat Book 61, Folio 64, said point of beginning lying

916 feet northwesterly along Jennifer Road from its intersection with Mays Chapel

Road running thence binding on the right of way of Jennifer Road and binding on the

outline of Section Six, Chapelgate two courses viz: 1) By a curve to the left in a

northwesterly direction of radius 1322.53 feet an arc distance of 413.35 feet said arc

being subtended by a chord bearing North 46° 49' 16" West 411.68 feet to a point

of tangency, thence 2) North 55° 46' 30" West 705.40 feet to a point in the

centerline of former Padonia Road, now abandoned, thence leaving Jennifer Road

binding on the centerline of the abandoned Padonia Road and binding on the outline

of Section Six, Chapelgate nineteen courses viz: 3) North 85° 58' 28" East 34.32

feet, 4) North 76° 38' 01" East 147.78 feet, 5) North 76° 28' 20" East 483.65 feet,

6) North 79° 34' 50" East 50.00 feet, 7) North 84° 47' 40" East 50.00 feet, 8)

South 86° 16' 10" East 100.00 feet, 9) South 82° 33' 20" East 250.00 feet, 10)

South 80° 08' 20" East 50.00 feet, 11) South 70° 51' 40" East 50.00 feet, 12)

South 60° 07' 20" East 50.00 feet, 13) South 51° 00' 40" East 50.00 feet, 14)

South 49° 14' 50" East 108.00 feet, 15) South 52° 50' 40" East 50.00 feet, 16)

38.811 acre parcel
July 3, 1991
Page 2

South 60° 36' 10" East 50.00 feet, 17) South 68° 09' 20" East 50.00 feet, 18)

South 71° 17' 30" East 95.00 feet, 19) South 69° 44' 40" East 130.00 feet, 20)

South 78° 13' 00" East 50.00 feet, and 21) South 85° 40' 20" East 50.00 feet,

thence leaving the abandoned Padonia Road, stilling binding on the outline of Section

Six, Chapelgate thirteen courses viz: 22) South 05° 10' 00" West 110.26 feet, 23)

South 84° 50' 00" East 74.30 feet, 24) South 51° 40' 00" East 54.00 feet, 25)

North 73° 55' 00" East 85.00 feet, 26) South 41° 55' 00" East 143.00 feet, 27)

South 46° 50' 00" West 56.70 feet, 28) South 59° 25' 00" West 99.81 feet, 29)

South 47° 05' 00" West 102.00 feet, 30) South 58° 00' 00" West 55.00 feet, 31)

South 73° 20' 00" West 60.00 feet, 32) South 10° 15' 00" West 54.00 feet, 33)

South 47° 30' 00" East 70.00 feet, and 34) South 71° 11' 54" East 216.74 feet

thence leaving Section Six Chapelgate binding on the outline of Section Five,

Chapelgate as recorded among the Land Records of Baltimore County in Plat Book 58,

Folio 137, ten courses viz: 35) South 86° 32' 34" East 88.00 feet, 36) North 72°

32' 21" East 105.59 feet, 37) North 80° 21' 11" East 188.00 feet, 38) South 09°

38' 49" East 87.85 feet, 39) South 43° 50' 41" East 18.10 feet to a point on the

northwesterly right of way line of Lavenham Court as shown on the aforesaid plat

thence binding thereon, two courses viz: 40) North 51° 48' 42" East 157.25 to a

point of curvature, 41) By a curve to the right in the northeasterly direction of radius

400.00 feet an arc distance of 116.70 feet, said arc being subtended by a chord

38.811 acre parcel
July 3, 1991
Page 3

bearing North 60° 10' 09" East 116.28 feet, thence crossing Lavenham Court 42)

South 21° 28' 22" East 40.00 feet to a point in the southeasterly side thereof thence

binding thereon, 43) North 68° 31' 38" East 56.96 feet and 44) South 67° 27' 40"

East 14.38 feet to a point on the southwesterly side of Mays Chapel Road thence

leaving Lavenham Court binding on the right of right of way lines of Mays Chapel Road

and in part on the outline of Section Five, Chapelgate aforesaid and on part of the

outline of Section Four, Chapelgate as recorded among the Land Records of Baltimore

County in Plat Book 58, Folio 136, five courses viz: 45) By a curve to the left in a

southeasterly direction of radius 725.00 feet an arc distance of 256.50 feet said arc

being subtended by a chord bearing, South 33° 58' 45" East 255.16 feet thence 46)

South 00° 41' 43" East 14.43 feet, 47) South 43° 07' 08" West 173.71 feet to a

point of curvature, 48) By a curve to the right in the southwesterly direction of radius

675.00 feet an arc distance of 593.02 feet said arc being subtended by a chord

bearing, South 68° 17' 15" West 574.13 feet to a point of tangency, and 49) North

86° 32' 38" West 266.67 feet to a point of curvature in the outline of Section Six,

Chapelgate aforesaid thence stilling binding on Mays Chapel Road and binding on the

outline of Section Six, Chapelgate, two courses viz: 50) By a curve to the left in a

southwesterly direction of radius 725.00 feet an arc distance of 350.56 feet said arc

being subtended by a chord bearing South 79° 36' 15" West 347.16 feet to a point

of tangency, and 51) South 65° 45' 07" West 1.14 feet thence leaving Mays Chapel

10/1/91
10/1/91
10/1/91

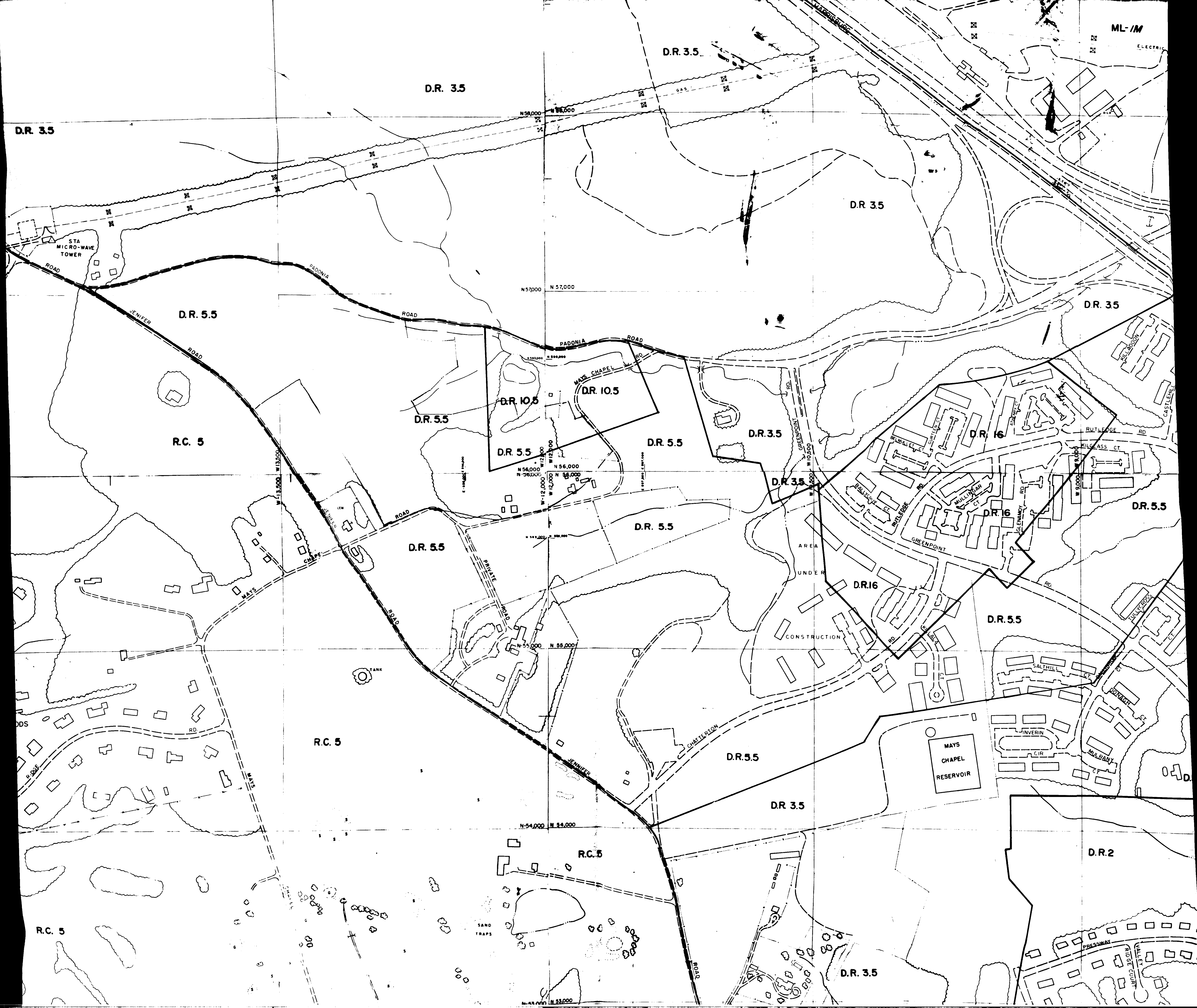
#35

92-35-SPH

92-35-SPH

92-35-SPH

#35



38.811 acre parcel
July 3, 1991
Page 4

92-35-SPH

Road stilling binding on the outline of Section Six, Chapelgate, two courses viz: 521 North 30° 23' 30" West 956.40 feet, and 531 South 52° 46' 30" West 303.77 feet to the beginning hereof.

CONTAINING 38.811 acres more or less.

BEING all of Sections Four, Five, and Six of Chapelgate as recorded among the Land Records of Baltimore County in Plat Book SM 58, Folio 136 and 137 and Plat Book SM 61, Folio 64 and 65 and located in the 8th Election District.



CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 8th Date of Posting: 7/15/91
Posted for: Public Hearing
Petitioner: Pulte Home Corporation
Location of property: Corner of S/S Padonia Road, E/S Jennifer Road
Location of Signs: Corner of S/S Padonia Road, E/S Jennifer Road
Remarks: None
Posted by: [Signature] Date of return: 7/15/91
Number of Signs: 2

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 2 successive weeks, the first publication appearing on 7/15/91.

THE JEFFERSONIAN,

S. Zake Nelson

Publisher

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-35-SPH
Corner of S/S Padonia Road, E/S Jennifer Road
Chapelgate Sections 4,5,6
8th Election District
3rd Councilmanic District
Petitioner(s): Pulte Home Corporation
Hearing Date: Friday, September 13, 1991 at 9:30 a.m.

Special Hearing: to approve amendments of the approved Development Plans namely the First Amended Final Development Plans for Chapelgate for Sections Four, Five and Six, as shown on the plans (deletion of garage units, replacement by parking bays).

Zoning Commissioner of Baltimore County
TTJ/S-186 August 15

CERTIFICATE OF PUBLICATION

TOWSON, MD., 7/15/91

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 7/15/91.

TOWSON TIMES,

S. Zake Nelson

Publisher

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number

RECEIVED
PUBLIC HEARING
SPECIAL HEARING (OTHER)
DATE: 7/15/91
TIME: 9:30 AM
LOCATION: 111 W. CHESAPEAKE AVE., TOWSON, MD. 21204

0440*W0110M1CHRC \$175.00
BA C011:27*AN07-23-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: H-001-6150
Number

Date

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

DATE: 7/17/91

COPY

Pulte Home Corporation
11120 New Hampshire Avenue
Silver Spring, Maryland 20904

RE:
Case Number: 92-35-SPH
Corner of S/S Padonia Road, E/S Jennifer Road
Chapelgate Sections 4,5,6
8th Election District - 3rd Councilmanic District
Petitioner(s): Pulte Home Corporation
HEARING: FRIDAY, SEPTEMBER 13, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 114.91 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

AUGUST 6, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 92-35-SPH
Corner of S/S Padonia Road, E/S Jennifer Road
Chapelgate Sections 4,5,6
8th Election District - 3rd Councilmanic District
Petitioner(s): Pulte Home Corporation
HEARING: FRIDAY, SEPTEMBER 13, 1991 at 9:30 a.m.

Special Hearing to approve amendments of the approved Development Plans namely the First Amended Final Development Plans for Chapelgate for Sections Four, Five and Six, as shown on the plans (deletion of garage units, replacement by parking bays).

Zoning Commissioner of
Baltimore County

cc: Pulte Home Corporation Newton A. Williams, Esq. Michael Eitel

COPY

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

August 12, 1991

Newton A. Williams, Esquire
Nolan, Plumbhoff & Williams, Chtd
700 Court Towers, 210 W. Pennsylvania Avenue
Towson, MD 21204

RE: Item No. 35, Case No. 92-35-SPH
Petitioner: Pulte Home Corporation
Petition for Special Hearing

Dear Mr. Williams:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINTARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Jeb Bittner
Pulte Home Corporation
11120 New Hampshire Avenue
Silver Spring, MD 20904

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 22nd day of July, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:

James E. Dyer
Chairman
Zoning Plans Advisory Committee

Petitioner: Pulte Home Corporation

Petitioner's Attorney: Newton A. Williams

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(301) 887-1500
AUGUST 6, 1991
J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204
RE: Property Owner: PULTE HOME CORPORATION
Location: CHAPELGATE - SECTION 4, 5, 6
Item No.: 35 Zoning Agenda: AUGUST 6, 1991
Gentlemen:
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.
5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.
* SECTIONS FOUR, FIVE, AND SIX, AS SHOWN ON THE PLANS (DELETION OF GARAGE UNITS, REPLACEMENT BY PARKING BAYS).
Noted and Approved
Special Inspection Division
JK/REK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director DATE: August 20, 1991
Zoning Administration and Development Management
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for August 6, 1991
The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 25, 28, 32, 33, 34, 35, 36, 39, 40, 42, 43 and 44.
For Item 453 (Case No. 91-194-A), the previous minor subdivision comments are applicable.
For Items 35 and 37, revised County Review Group Plans are required.
Robert W. Bowling / DAK
ROBERT W. BOWLING, P.E., CHIEF
Developers Engineering Division
RWB:6

92-35-SPH
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
TO: Arnold Jablon, Director DATE: August 15, 1991
Zoning Administration and Development Management
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: Joseph Ingolia, Item No. 1
Pulte Home Corporation, Item No. 35
In reference to the Petitioners' requests, staff offers no comments.
If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.
PK/JL/pat
ITEM1/2AC1

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND
DATE: September 11, 1991
TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famill
SUBJECT: Z.A.C. Comments
Z.A.C. MEETING DATE: August 6, 1991
This office has no comments for item numbers 25, 28, 32, 33, 34, 35, 39, 40, 42, 43 and 44.
Rahee J. Famill
Rahee J. Famill
Traffic Engineer II
RJF/lvd

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
October 11, 1991
A. Porter Barrows
4 Tenby Court
Lutherville, Maryland 21093
RE: PETITION FOR SPECIAL HEARING
NE/S Jennifer Road
916' NW of Mays Chapel Road
Case #92-35-SPH
Dear Mr. Barrows:
This office is in receipt of your letter to Mr. Larry E. Schmidt, Zoning Commissioner for Baltimore County, not dated, and received in this office on October 10, 1991 with regard to an appeal on the referenced case.
This is to advise you that there is an appeal fee of One hundred twenty-five dollars, plus twenty-five dollars for sign posting, a total of One hundred and fifty (\$150.00) dollars. Your appeal cannot be accepted without remittance of the proper filing fee.
If you wish to pursue this appeal, please issue a check payable to Baltimore County, Maryland and forward it to this office within the thirty (30) day appeal time.
Very truly yours,
James E. Dyer, Supervisor
Zoning Administration &
Development Management
jat
cc: File

4 Tenby Court
Lutherville, MD 21093
October 9, 1991
Mr. Larry E. Schmidt
Zoning Commissioner for Baltimore County
111 East Chesapeake Avenue
Towson, Maryland 21204
RE: PETITION FOR SPECIAL HEARING
NE/S Jennifer Road, 916' NW of Mays Chapel Road
(Chapelgate, Sections 4, 5 and 6)
8th Election District - 3rd Councilmanic District
Pulte Home Corporation - Petitioner
Case No. 92-35-SPH
Dear Mr. Schmidt:
I am in receipt of a copy of the decision rendered in the above-captioned matter. I find this decision to be unfavorable, however, and hereby appeal the ruling for the reasons stated below.
My testimony during the September 13 hearing raised questions concerning the Covenants which Pulte Home Corporation intend to declare for Sections 4, 5, and 6 of Chapelgate. I explained that Sections 1, 2, and 3 have very restrictive and effective Covenants; and that, when we purchased our homes, we were told that all of Chapelgate would be under the same Covenants. Our Covenants control all exterior changes (both architectural and grounds); they provide for the moving of all grass and the maintenance of all landscaping; they provide for all exterior paintings; and they specifically prohibit such items as fences, walls, buildings or other structures. We are concerned that the declaration of Covenants with reduced restrictions or services in Sections 4, 5, and 6 would adversely impact our community and its property values.
Pulte representatives at the hearing informed us that their Covenants had not yet been formulated. While their Covenants would not be as inclusive as ours, we were told that they would be comparable. Pulte's attorney, Mr. Williams, assured us both in formal testimony and in conversations afterwards that Pulte desired to cooperate with us and that they would be in contact with us to discuss this entire matter. Three and one-half weeks later, Pulte has still not contacted us to pursue this matter.

- more -

92-35-SPH
NOLAN, PLEHNHOFF & WILLIAMS
CHARTERED
SUITE 700, COURT TOWERS
210 WEST PENNSYLVANIA AVENUE
TOWSON, MARYLAND 21204-5340
301-623-7600
TELEFAX 301-296-0705
July 24, 1991
The Hon. J. Robert Haines, Esq.
Baltimore County Zoning Commissioner
Office of Planning and Zoning
Courts Building
401 Rosley Avenue
Towson, Maryland 21204
Dear Commissioner Haines:
RE: Amendment of Final Development Plan for Sections 4, 5 and 6, Chapelgate - Pulte Home Corporation - Item No. 35 Filed July 23, 1991
Our client, Pulte Home Corporation has acquired from Provident Bank, Sections 4, 5 and 6 of Chapelgate, formerly recorded and proposed for development by NVR Homes.
We have filed a special hearing case, known as Item No. 35, with your office on Tuesday, July 23.
Pulte Home Corporation needs to move forward promptly with this project, including obtaining building permits and other permits, and, hence, we are requesting an early hearing date.
As your office is well aware, I do not routinely ask for early hearing dates, nor do I abuse this privilege. Accordingly, we would respectfully request that your office set this matter at an early date.
At the present time my schedule for September includes September 25 in front of the Board of Appeals, September 27 in front of the Board of Appeals, and October 8 and 15, again in front of the Board of Appeals.

MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, PLANNERS, SURVEYORS
AND LANDSCAPE ARCHITECTS
June 25, 1991
92-35-SPH
Mr. Joe Maranto
Current Planning
Baltimore County Office Bui
111 West Chesapeake Avenue
Towson, Maryland 21204
R 1107
bjec: Chapelgate J.O. 9418
Dear Mr. Maranto:
We are submitting the enclosed to be presented to the Planning Board on July 18, 1991. Two prints of the approved Final Development Plans for Chapelgate, Sections Four, Five, and Six are redlined to show the proposed changes to amend the plans. Units have been sold within 100 feet of the proposed changes. Garage units are to be eliminated and parking provided in front of units by Section as follows:
Section Four: Lots 13 - 24
Section Five: Lots 1 - 16
Section Six:
(Sheet 1) Lots 1 - 14 Block "M", Lots 7-24 Block "I"
Lots 7 - 28 Block "N"
(Sheet 2) Lots 1 - 6 and 23 - 29 Block "J"
Lots 1 - 18 Block "O"
Lots 11 - 16 Block "K"
These changes are consistent with the character of the community and are made with the intention of providing the type of units the current market demands. We respectfully request the Board's approval.
Thank you for your consideration.
Very truly yours,
MORRIS & RITCHIE ASSOCIATES, INC.
Michael J. Ritchie
Michael J. Ritchie
Associate
MJE/dkr
* Parking exceeds the required 1.75 spaces per unit plus an additional 304 visitor parking in all sections. Section Six parking spaces are 8.5' x 18', Section Four and Five are 9' x 18'.
128 N. MAIN STREET SUITE 100
BALTIMORE, MARYLAND 21204
301-978-9801
244-7611/478-1820
1500 ROSLEY AVENUE
TOWSON, MARYLAND 21204
212-521-0800
212-521-0211/478-1748
#35

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

John H. Thomas
John H. Thomas
A. Peter Brown

11120 New Hampshire Ave
4 Tech Court, Danvers

92-35-5PH

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

Robert F. Bradley
Robert F. Bradley

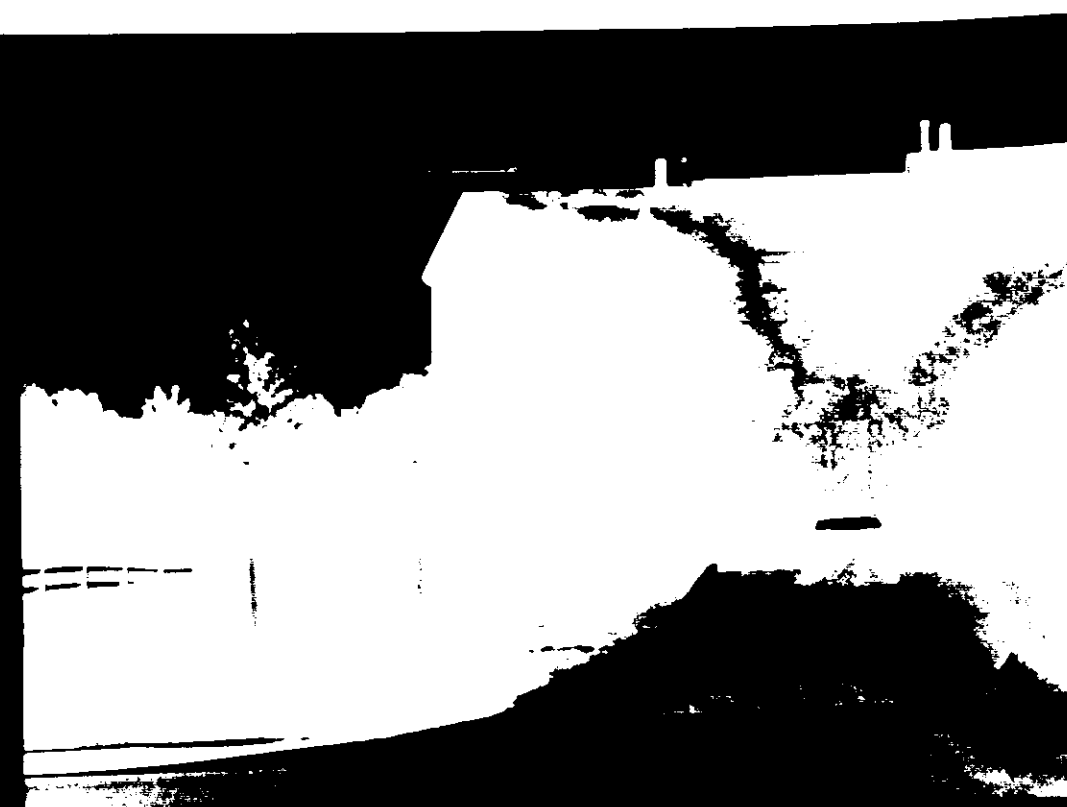
11120 New Hampshire Ave
Morris & Ritchie Assoc
606 D Brey Ave
Towson, MD 21204
Pulte Home Corp.
11120 New Hampshire Ave
Silver Spring, MD 20904

Russell Crandall



A. Existing Large Units

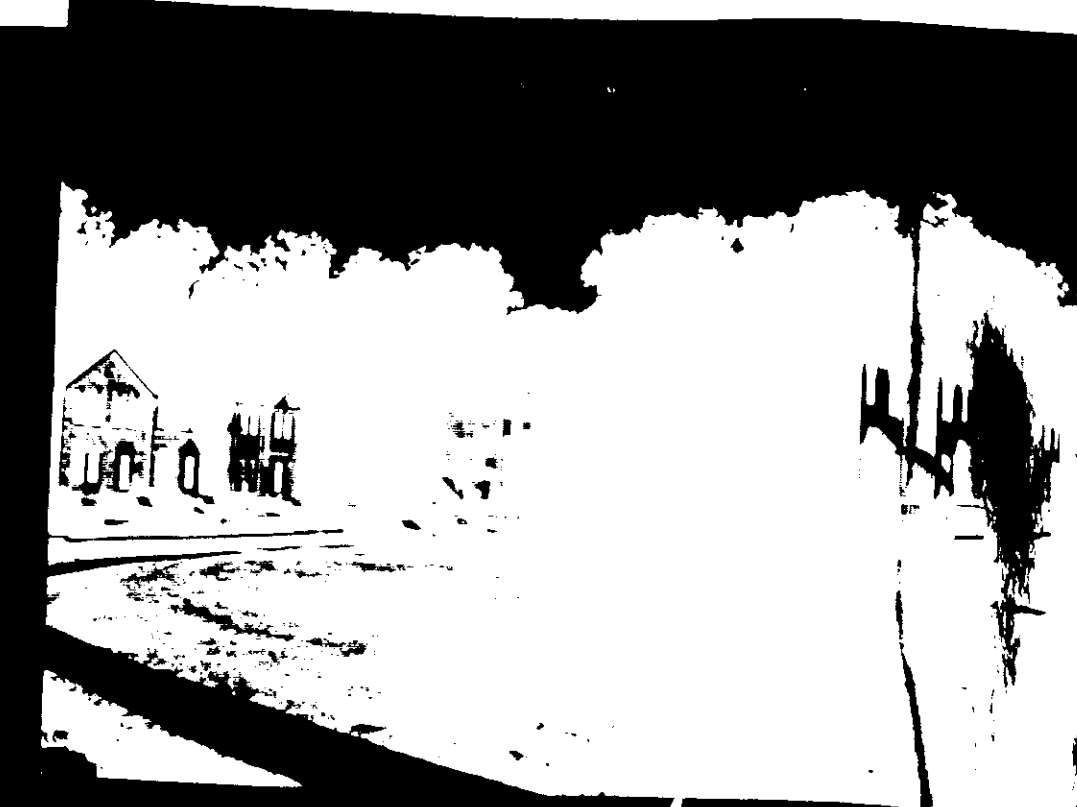
Chapelgate
 92-35-5PH



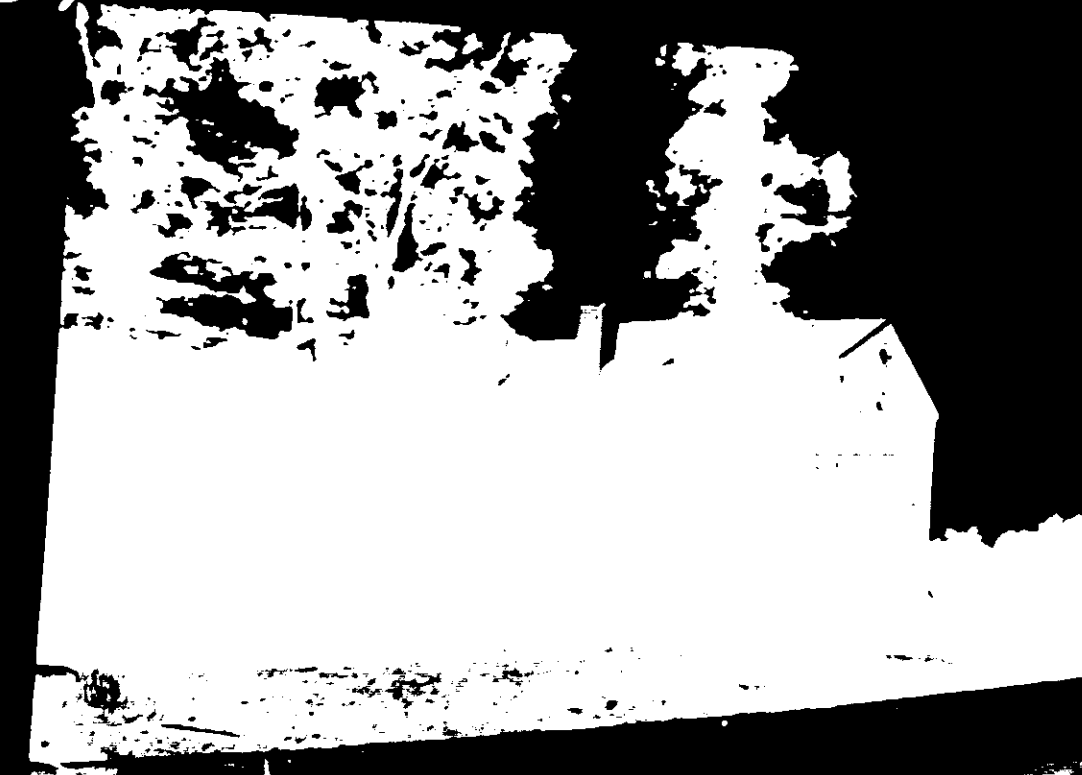
B. Existing Units w/o Large



C. Service Rd. - Sec. 4 - N/S of
 May Chapel Rd.



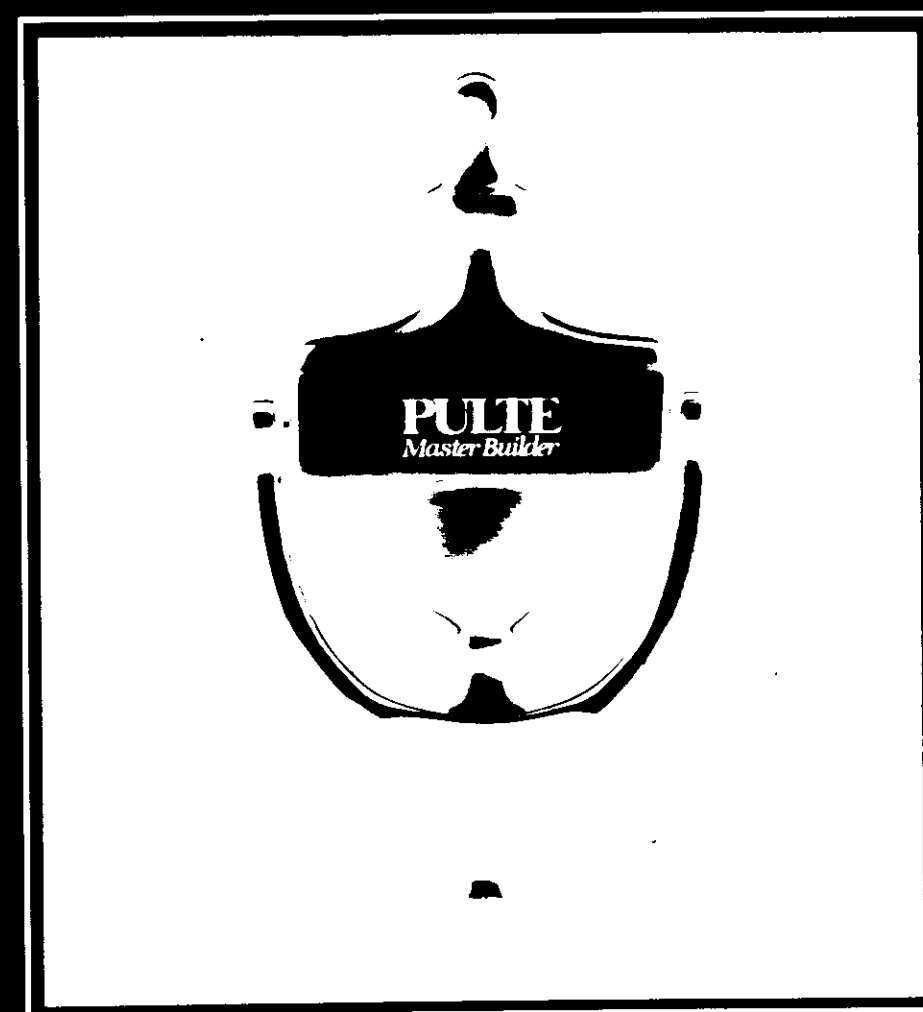
D. Sect. 2 - End Unit



E. Rear of ex. garage
 units

EXHIBIT 2 A-E

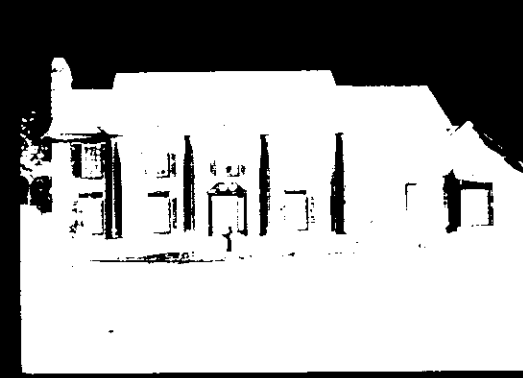
EXHIBIT 2 A-E



SALES

Welcome to Pulte Homes. We know that selecting and purchasing your new home is one of the most important and exciting decisions you will ever make. At Pulte Home Corporation, each and every home we build is designed to help make your decision easier. In fact, our attention to the needs and desires of discerning buyers is just one of the many reasons why over 84,000 homebuyers, just like you, have selected Pulte as their builder. As a Pulte homeowner you can expect:

- Innovative designs that go beyond walls and ceilings to create a form and function which eliminate wasted space, enhance natural lighting and make a dramatic statement in every square foot of living area.
- Exterior designs which promote a warm community feeling and reinforce the quality appearance of the neighborhood.
- Desirable homes within close proximity to required community services and employment.
- The best home value available today and for years to come.



From coast to coast Pulte Home Corporation presents dramatic exteriors with attention to detail and design.



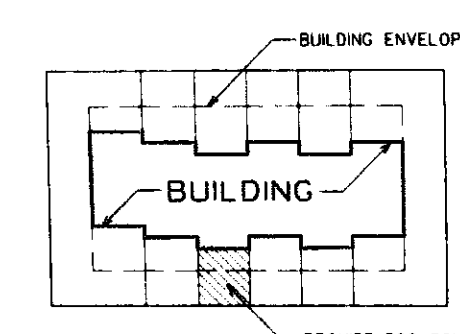
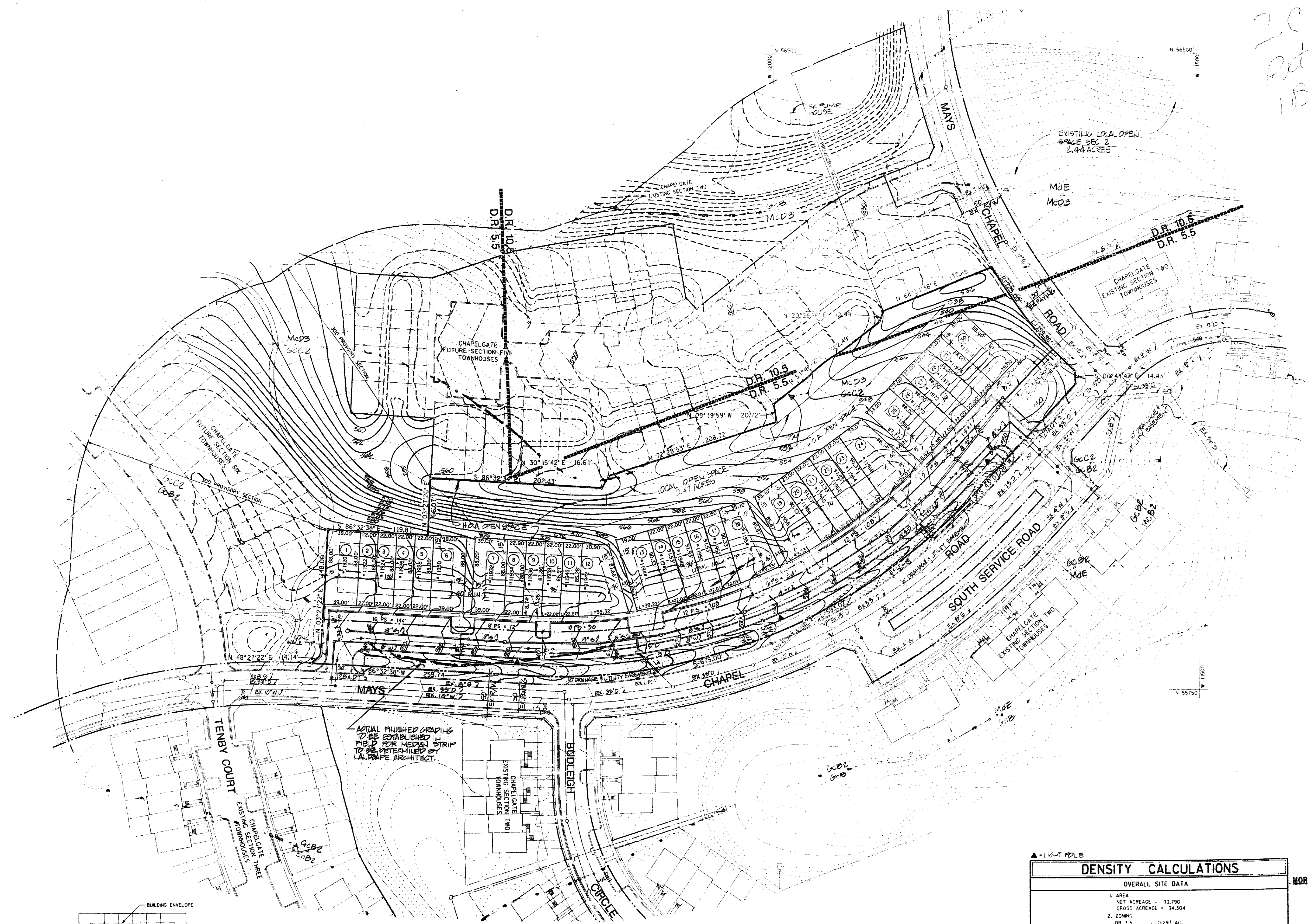
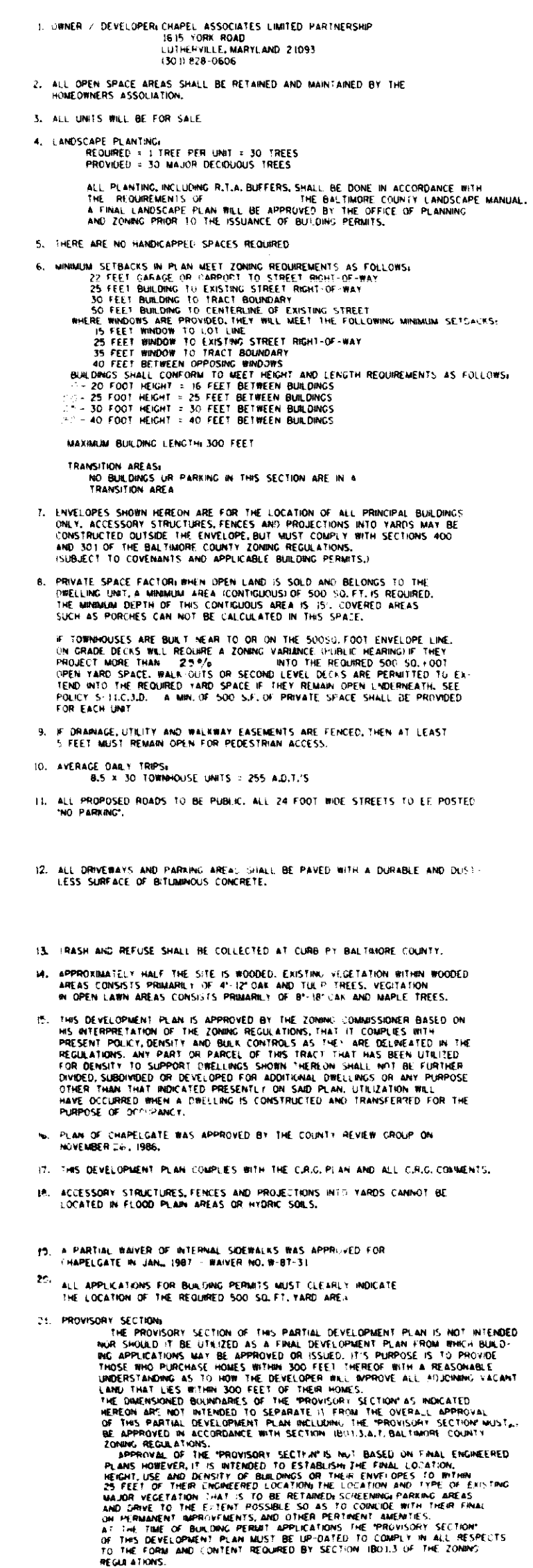
CHAPEL GATE



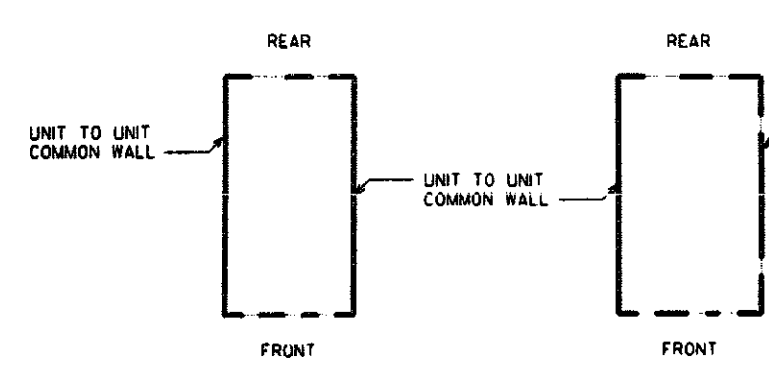
PETITIONER'S
EXHIBIT 3

BUILDING 1

DESIGN: 005 24 JUL 91
2 8 AUG 91
11 AUG 91



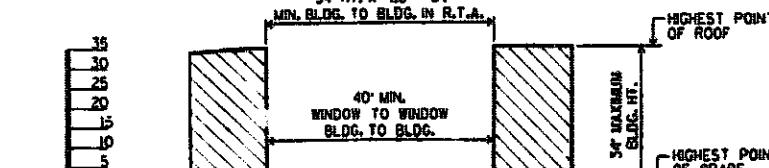
PRIVATE SPACE TYPICAL DETAIL



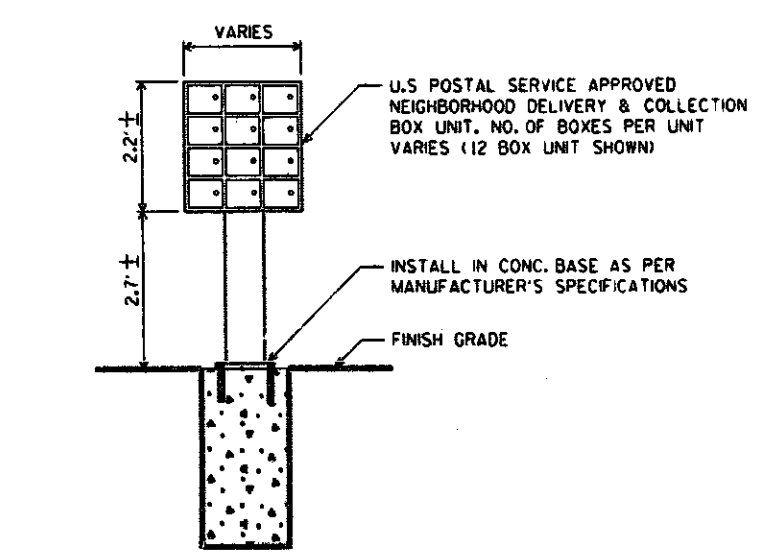
TYP. INTERIOR UNIT TYP. END UNIT

TYPICAL TOWNHOUSE WINDOW LOCATION

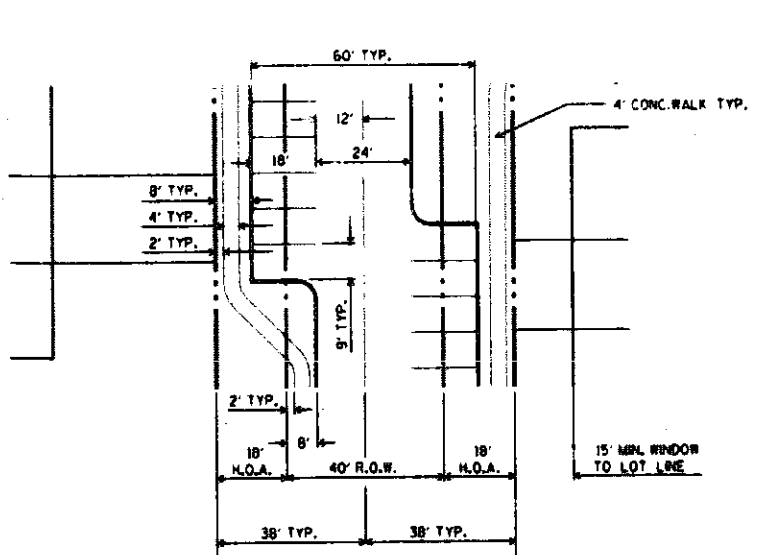
ABOVE GRADE ELEVATION OF HIGH POINT	MINIMUM HORIZONTAL DISTANCE TO VERTICAL PROJECTION OF POINT ON BUILDING NOT MUTUALLY ATTACHED
20' OR LESS	15 FEET
MORE THAN 20' BUT NOT MORE THAN 25'	25 FEET
MORE THAN 25' BUT NOT MORE THAN 30'	30 FEET
MORE THAN 30' BUT NOT MORE THAN 40'	40 FEET
MORE THAN 40' BUT NOT MORE THAN 50'	60 FEET



MINIMUM HORIZONTAL SEPARATION OF BUILDINGS
SINGLE-FAMILY HOMES
NOT TO SCALE



NEIGHBORHOOD POSTAL DELIVERY
& COLLECTION BOX UNIT
NOT TO SCALE



TYP. STREET LAYOUT
NOT TO SCALE

▲ LAYOUT PLAN

DENSITY CALCULATIONS

OVERALL SITE DATA

1. AREA	
NET ACREAGE	93.790
CROSS ACREAGE	94.324
2. ZONING	
DR 2.5	0.293 AC.
DR 5.0	82.668 AC.
DR 10.0	1.143 AC.
3. DRELLING UNITS PERMITTED	
DR 3.0	2.093
DR 5.0	22.668
DR 10.0	1.143
TOTAL	25.904
4. DRELLING UNITS PROPOSED	449

PROPOSED SITE DATA	SECTION 4	PREVIOUS SECTIONS	REMAINING	TOTAL
5. AREA				
NET ACREAGE	4.634	54.979	34.177	93.790
CROSS ACREAGE	4.634	54.979	34.177	94.324
6. DRELLING UNITS PROPOSED				
SINGLE FAMILY (FEE SIMPLE)	0	0	16	16
TOWNHOMES (FEE SIMPLE)	30	222	0	252
TOTAL	30	222	16	468
7. PARKING				
DR 2.5 TO 3.51	0	0	0	0
DR 3.5 TO 4.75	52	190	344	586
DR 4.75 TO 10.01	0	413	0	413
8. PARKING PROPOSED				
TOTAL	52	603	344	1,000
9. LOCAL OPEN SPACE				
30 UNITS + 650 S.F./UNIT	0.448 AC.	3.313 AC.	2.998 AC.	6.760 AC.
10. PROPOSED HOME OWNERS ASSOCIATION (H.O.A.) OPEN SPACE	1.817 AC.	24.113 AC.	---	25.930 AC.
11. PROPOSED H.O.A. OPEN SPACE DESIGNATED AS LOCAL OPEN SPACE	0.81 AC.	4.78 AC.	5% AC.	5.59 AC.

- ① - FROM APPROVED CRC PLAN.
- ② - SECTIONS ONE, TWO & THREE
- ③ - DENSITY TAKEN FROM OTHER AREAS OF THE SITE.

MORRIS & RITCHIE ASSOCIATES, INC
139 NORTH MAIN STREET
BEL AIR, MARYLAND 21014
PHONE: (301) 879-1690

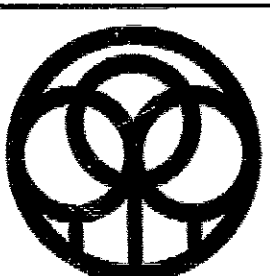
REASON FOR 1st AMENDMENT
1. ELIMINATE GARAGES LOTS 19 AND 24
2. REVISED PARKING LAYOUT

7-8-91

SEAL FOR 1st AMENDMENT ONLY GATE 2

OFFICE OF PLANNING AND ZONING
APPROVED BY:

DIRECTOR OF PLANNING DATE

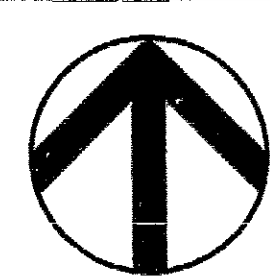


DAET MCGUINE WALKER INC

LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS SURVEYORS
100 EAST PENNY EVANA AVENUE
TOWSON, MD 21204
TELEPHONE (410) 296-3013

1st AMENDED
CHAPEL GATE
SECTION FOUR
PARTIAL DEVELOPMENT PLAN

ELECTION DISTRICT 8 BALTIMORE CO. MD



SCALE:

1° = 50'

	JOB ORDER NO.
	DATE

86064

Y. Allen	ISSUE DATE
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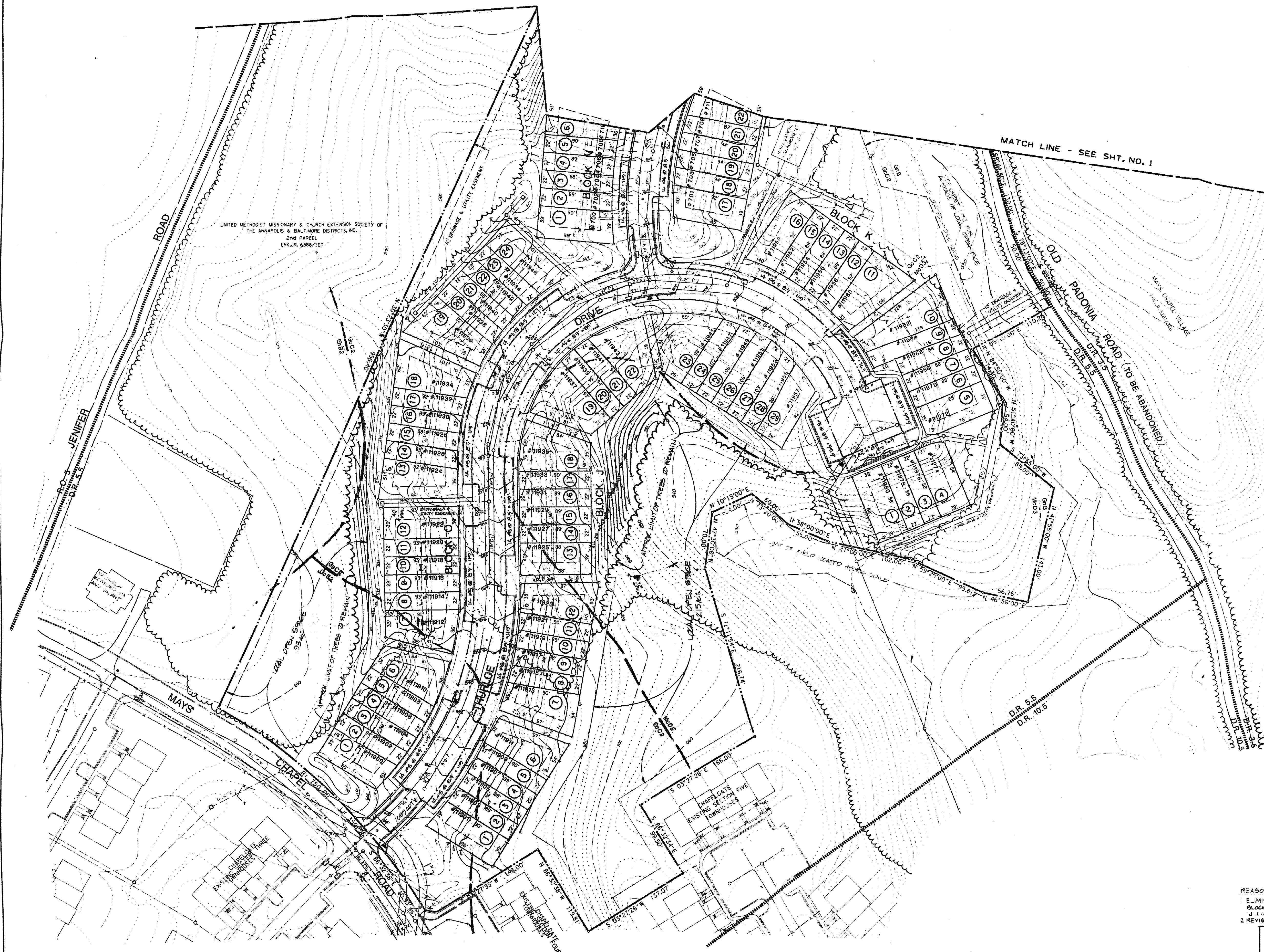
NOV. 12, 1987

REVISIONS	1
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[illegible]

WORKING - RELOCATE PROP.

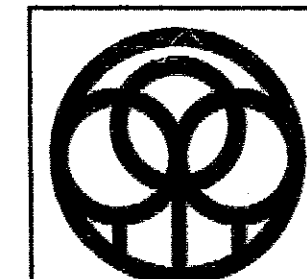
RENT - 1955.



REASON FOR 1ST AMENDMENT

1. ELIMINATE GARAGES LOTS 1 thru 16
BLOCK "D", 1 thru 6 + 29 thru 29 BLOCK
"J", 11 thru 16 BLOCK "K"

2. REVISED PARKING LAYOUT



LAND PLANNING CONSULTANTS
LANDSCAPE ARCHITECTS
ENGINEERS SURVEYORS
200 EAST PENNSYLVANIA AVENUE
TOWSON, MD. 21204
TEL: 410-541-3011 FAX: 410-541-3333

SECTION SIX
PARTIAL DEVELOPMENT PLAN

		SCALE:
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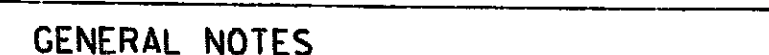
ISSUE DATE
11/20/00

[illegible]

	1	2
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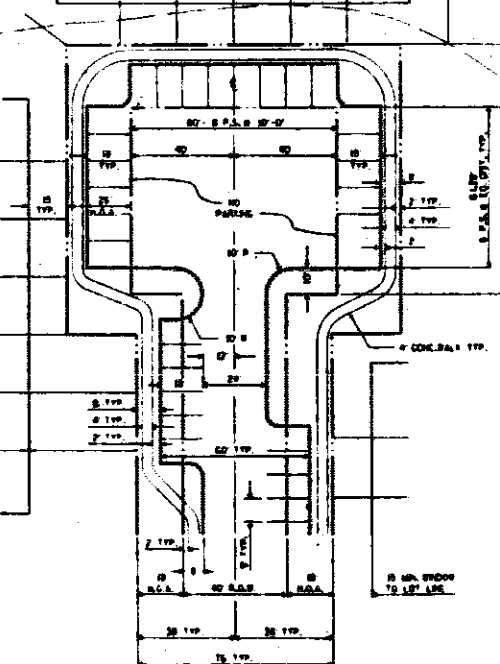
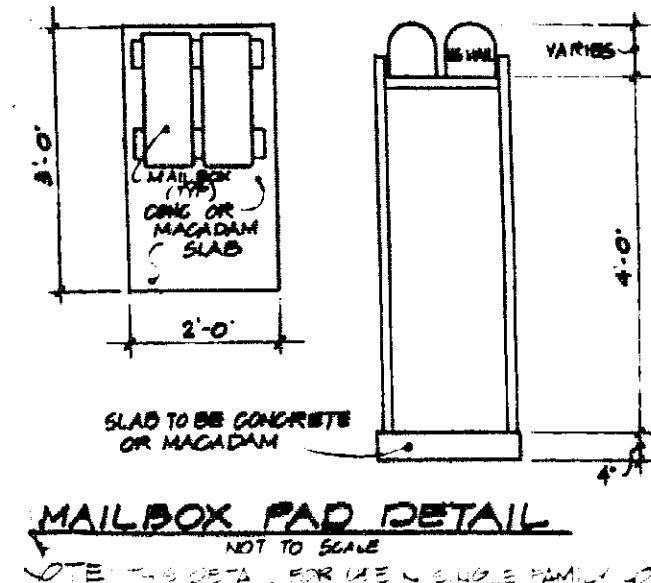
FRONT. 13011 879-1390

100



SCALE: 1"=100'

- Z. C.
Pet 10

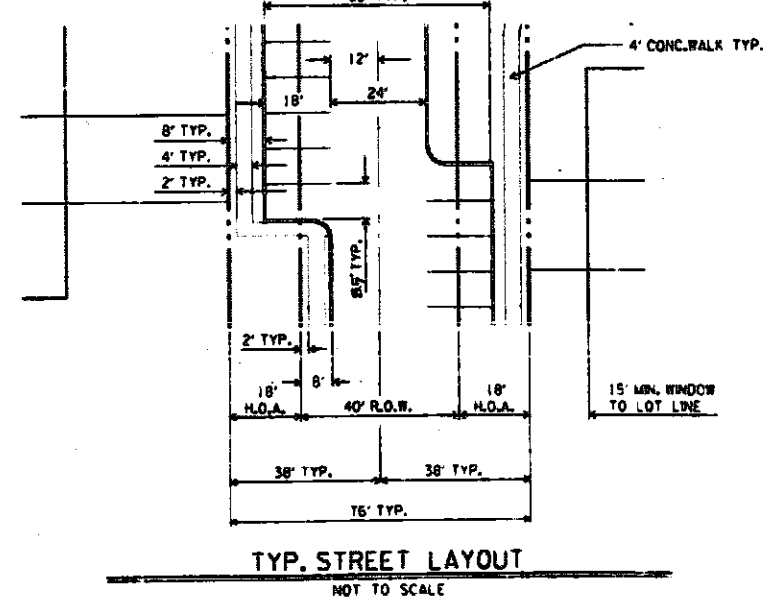


35
30
20
15
10
5

MINIMUM HORIZONTAL SEPARATION OF BUILDINGS

HIGHEST POINT OF ROOF

HIGHEST POINT OF GRADE



OFFICE OF PLANNING AND ZONING
APPROVED BY:

DIRECTOR OF PLANNING DATE

ZONING COMMISSIONER DATE

89